

# Daily Digest

## HIGHLIGHTS

House and Senate met in Joint Session to receive a State of the Union Address from the President of the United States.

## Senate

### Chamber Action

*Routine Proceedings, pages S245–S271*

**Measures Introduced:** Thirty-five bills and eight resolutions were introduced, as follows: S. 273–307, S.J. Res. 8–10, and S. Res. 33–37. **Pages S264–65**

#### Measures Reported:

S. Res. 33, authorizing expenditures by the Committee on Environment and Public Works.

S. Res. 34, authorizing expenditures by the Special Committee on Aging.

S. Res. 37, authorizing expenditures by the Committee on Small Business and Entrepreneurship.

**Page S264**

**Message from the President:** Senate received the following message from the President of the United States:

Transmitting the report on the State of the Union delivered to a Joint Session of Congress on February 7, 2023; which was ordered to lie on the table. (PM–1)

**Pages S257–62**

**Benjamin Nomination—Agreement:** Senate resumed consideration of the nomination of DeAndrea Gist Benjamin, of South Carolina, to be United States Circuit Judge for the Fourth Circuit.

**Pages S247–52**

During consideration of this nomination today, Senate also took the following action:

By 54 yeas to 43 nays (Vote No. EX. 6), Senate agreed to the motion to close further debate on the nomination.

**Pages S251–52**

A unanimous-consent agreement was reached providing that at approximately 10 a.m., on Thursday, February 9, 2023, Senate resume consideration of the nomination, post-cloture; that at 11 a.m., all remaining post-cloture time on the nomination be considered expired; that following disposition of the nomination of DeAndrea Gist Benjamin, Senate resume consideration of the nomination of Cindy K. Chung,

of Pennsylvania, to be United States Circuit Judge for the Third Circuit; and that the motions to invoke cloture filed during the session of Tuesday, February 7, 2023, ripen at 1:45 p.m., on Thursday, February 9, 2023.

**Pages S270–71**

**Chung Nomination—Cloture:** Senate began consideration of the nomination of Cindy K. Chung, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

**Page S251**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of DeAndrea Gist Benjamin, of South Carolina, to be United States Circuit Judge for the Fourth Circuit.

**Page S251**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session.

**Page S251**

Senate agreed to the motion to proceed to Executive Session to consider the nomination.

**Page S251**

**Mendez-Miro Nomination—Cloture:** Senate began consideration of the nomination of Gina R. Mendez-Miro, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

**Page S251**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of the nomination of Cindy K. Chung, of Pennsylvania, to be United States Circuit Judge for the Third Circuit.

**Page S251**

Prior to the consideration of this nomination, Senate took the following action:

Senate agreed to the motion to proceed to Legislative Session.

**Page S251**

Senate agreed to the motion to proceed to Executive Session to consider the nomination.

**Page S251**

**Messages from the House:**

**Page S262**

Measures Referred:	Page S262
Measures Placed on the Calendar:	Pages S262–63
Measures Read the First Time:	Pages S263, S270
Executive Communications:	Page S263
Petitions and Memorials:	Pages S263–64
Additional Cosponsors:	Pages S265–67
Statements on Introduced Bills/Resolutions:	Pages S267–70
Additional Statements:	Pages S256–57
Authorities for Committees to Meet:	Page S270
Record Votes: One record vote was taken today. (Total—6)	Pages S251–52

**Adjournment:** Senate convened at 3 p.m. and adjourned at 10:41 p.m., until 10 a.m. on Thursday, February 9, 2023. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on pages S270–71.)

## Committee Meetings

(Committees not listed did not meet)

### BUSINESS MEETING

*Committee on Small Business and Entrepreneurship:* Committee ordered favorably reported an original resolution authorizing expenditures by the Committee, and adopted its rules of procedure for the 118th Congress.

# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 10 public bills, H.R. 856–865; and 8 resolutions, H.J. Res. 29–31; H. Con. Res. 14; and H. Res. 98–101, were introduced. **Pages H737–38**

**Additional Cosponsors:** **Page H739**

**Report Filed:** A report was filed today as follows:

H. Res. 97, providing for consideration of the bill (H.R. 185) to terminate the requirement imposed by the Director of the Centers for Disease Control and Prevention for proof of COVID–19 vaccination for foreign travelers, and for other purposes; providing for consideration of the joint resolution (H.J. Res. 24) disapproving the action of the District of Columbia Council in approving the Local Resident Voting Rights Amendment Act of 2022; and providing for consideration of the joint resolution (H.J. Res. 26) disapproving the action of the District of Columbia Council in approving the Revised Criminal Code Act of 2022 (H. Rept. 118–3). **Page H737**

**Recess:** The House recessed at 10:14 a.m. and reconvened at 10:17 a.m. **Page H714**

**Reading of the Constitution:** Pursuant to section 5(h) of H. Res. 5, the Chair recognized Representative Jordan for the reading of the Constitution. **Pages H714–720**

**Recess:** The House recessed at 11 a.m. and reconvened at 12:30 p.m. **Page H720**

**Terminating the requirement imposed by the Director of the Centers for Disease Control and**

**Prevention for proof of COVID–19 vaccination for foreign travelers, disapproving the action of the District of Columbia Council in approving the Local Resident Voting Rights Amendment Act of 2022, and disapproving the action of the District of Columbia Council in approving the Revised Criminal Code Act of 2022—Rule for consideration:** The House agreed to H. Res. 97, providing for consideration of the bill (H.R. 185) to terminate the requirement imposed by the Director of the Centers for Disease Control and Prevention for proof of COVID–19 vaccination for foreign travelers; providing for consideration of the joint resolution (H.J. Res. 24) disapproving the action of the District of Columbia Council in approving the Local Resident Voting Rights Amendment Act of 2022; and providing for consideration of the joint resolution (H.J. Res. 26) disapproving the action of the District of Columbia Council in approving the Revised Criminal Code Act of 2022, by a recorded vote of 217 ayes to 208 noes, Roll No. 109, after the previous question was ordered by a yea-and-nay vote of 217 yeas to 208 nays, Roll No. 108. **Pages H720–28**

**Recess:** The House recessed at 2:07 p.m. and reconvened at 8:33 p.m. **Page H728**

**State of the Union Address:** President Joseph Biden delivered his State of the Union address to a joint session of Congress, pursuant to the provisions of H. Con. Res. 11. He was escorted into the House Chamber by a committee comprised of Representatives Scalise, Emmer, Stefanik, Hudson, Palmer, Johnson (LA), Chavez-DeRemer, Kiggans, Jeffries,

Clark (MA), Aguilar, Lieu, DelBene, Clyburn, Neguse, and Chu, and Senators Schumer, Durbin, Murray, Stabenow, Klobuchar, Baldwin, McConnell, Thune, Barrasso, Capito, Ernst, and Daines. The President's message was referred to the Committee of the Whole House on the State of the Union and ordered to be printed (H. Doc. 118–1). **Pages H728–35**

**Quorum Calls—Votes:** One yea-and-nay vote and one recorded vote developed during the proceedings of today and appear on pages H727–28 and H728.

**Adjournment:** The House met at 10 a.m. and adjourned at 10:42 p.m.

## Committee Meetings

### THE PRESSING THREAT OF THE CHINESE COMMUNIST PARTY TO U.S. NATIONAL DEFENSE

*Committee on Armed Services:* Full Committee held a hearing entitled “The Pressing Threat of the Chinese Communist Party to U.S. National Defense”. Testimony was heard from public witnesses.

### UNLEASHING AMERICAN ENERGY, LOWERING ENERGY COSTS, AND STRENGTHENING SUPPLY CHAINS

*Committee on Energy and Commerce:* Subcommittee on Environment, Manufacturing, and Critical Materials; and Subcommittee on Energy, Climate, and Grid Security held a joint hearing entitled “Unleashing American Energy, Lowering Energy Costs, and Strengthening Supply Chains”. Testimony was heard from public witnesses.

### MISCELLANEOUS MEASURES

*Committee on Energy and Commerce:* Subcommittee on Innovation, Data, and Commerce held a markup on H.R. 750, the “CAUTION Act of 2023”; H.R. 784, the “Internet Application I.D. Act”; H.R. 742, the “TELL Act”; H.R. 813, the “Global Investment in American Jobs Act of 2023”; and H.R. 752, the “Securing Semiconductor Supply Chains Act of 2023”. H.R. 750 was forwarded to the full Committee, as amended. H.R. 784, H.R. 742, H.R. 813, and H.R. 752 were forwarded to the full Committee, without amendment.

### COMBATTING THE ECONOMIC THREAT FROM CHINA

*Committee on Financial Services:* Full Committee held a hearing entitled “Combatting the Economic Threat from China”. Testimony was heard from public witnesses.

### BUSINESS MEETING

*Committee on Natural Resources:* Full Committee held a business meeting on the Committee Authorization

and Oversight Plan for the 118th Congress. The Authorization and Oversight Plan was adopted, as amended.

### ON THE FRONT LINES OF THE BORDER CRISIS: A HEARING WITH CHIEF PATROL AGENTS

*Committee on Oversight and Accountability:* Full Committee held a hearing entitled “On the Front Lines of the Border Crisis: A Hearing with Chief Patrol Agents”. Testimony was heard from Gloria Chavez, Chief Patrol Agent, Rio Grande Valley Sector, U.S. Customs and Border Protection, Department of Homeland Security; and John Modlin, Chief Patrol Agent, Tucson Sector, U.S. Customs and Border Protection, Department of Homeland Security.

### FAA REAUTHORIZATION: ENHANCING AMERICA'S GOLD STANDARD IN AVIATION SAFETY

*Committee on Transportation and Infrastructure:* Full Committee held a hearing entitled “FAA Reauthorization: Enhancing America's Gold Standard in Aviation Safety”. Testimony was heard from David Boulter, Acting Associate Administrator, Federal Aviation Administration, Department of Transportation; Jennifer Homendy, Chair, National Transportation Safety Board; and public witnesses.

### ORGANIZATIONAL MEETING

*Permanent Select Committee on Intelligence:* Full Committee held an organizational meeting. The Committee adopted its rules for the 118th Congress, without amendment.

## Joint Meetings

No joint committee meetings were held.

### COMMITTEE MEETINGS FOR WEDNESDAY, FEBRUARY 8, 2023

*(Committee meetings are open unless otherwise indicated)*

#### Senate

No meetings/hearings scheduled.

#### House

*Committee on Agriculture,* Full Committee, organizational meeting, 9:30 a.m., 1300 Longworth.

*Committee on Appropriations,* Full Committee, organizational meeting, 10:45 a.m., 2359 Rayburn.

*Committee on Armed Services,* Full Committee, hearing entitled “State of the Defense Industrial Base”, 11 a.m., 2118 Rayburn.

Subcommittee on Intelligence and Special Operations, hearing entitled “The Role of Special Operations Forces in Great Power Competition”, 3 p.m., 2118 Rayburn.

*Committee on Education and Workforce*, Full Committee, hearing entitled “American Education in Crisis”, 10:15 a.m., 2141 Rayburn.

*Committee on Energy and Commerce*, Subcommittee on Health; and Subcommittee on Oversight and Investigations, joint hearing entitled “The Federal Response to COVID-19”, 10 a.m., 2123 Rayburn.

Subcommittee on Communications and Technology, hearing entitled “Liftoff: Unleashing Innovation in Satellite Communications Technologies”, 10:30 a.m., 2322 Rayburn.

*Committee on Financial Services*, Subcommittee on Capital Markets, hearing entitled “Sophistication or Discrimination: How the Accredited Investor Definition Unfairly Limits Investment Access for the Non-wealthy and the Need for Reform”, 10 a.m., 2220 Rayburn.

Subcommittee on Financial Institutions and Monetary Policy, hearing entitled “Revamping and Revitalizing Banking in the 21st Century”, 10 a.m., 2128 Rayburn.

Subcommittee on Capital Markets, hearing entitled “Empowering Entrepreneurs: Removing Barriers to Capital Access for Small Businesses”, 2 p.m., 2128 Rayburn.

*Committee on Foreign Affairs*, Full Committee, organizational meeting, 1:30 p.m., HVC-210.

*Committee on Homeland Security*, Full Committee, organizational meeting, 10 a.m., 310 Cannon.

*Committee on Natural Resources*, Full Committee, hearing entitled “Unleashing America’s Energy and Mineral Potential”, 10 a.m., 1324 Longworth.

*Committee on Oversight and Accountability*, Full Committee, hearing entitled “Protecting Speech from Government Interference and Social Media Bias, Part 1: Twitter’s Role in Suppressing the Biden Laptop Story”, 10 a.m., 2154 Rayburn.

*Committee on Science, Space, and Technology*, Full Committee, organizational meeting, 10 a.m., 2318 Rayburn.

*Committee on Small Business*, Full Committee, organizational meeting, 3:30 p.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure*, Subcommittee on Water Resources and Environment, hearing entitled “Stakeholder Perspectives on the Impacts of the Biden Administration’s Water of the United States (WOTUS) Rule”, 10 a.m., 2167 Rayburn.

*Committee on Veterans’ Affairs*, Full Committee, organizational meeting, 1 p.m., 390 Cannon.

*Committee on Ways and Means*, Full Committee, hearing entitled “The Greatest Theft of Taxpayer Dollars: Unchecked Unemployment Fraud”, 10 a.m., 1100 Longworth.

Following disposition of the nomination of DeAndrea Gist Benjamin, Senate will resume consideration of the nomination of Cindy K. Chung, of Pennsylvania, to be United States Circuit Judge for the Third Circuit, and vote on the motion to invoke cloture thereon at 1:45 p.m.

During the balance of the week, Senate may consider any cleared legislative and executive business.

### Senate Committees

*(Committee meetings are open unless otherwise indicated)*

*Committee on Agriculture, Nutrition, and Forestry*: February 9, to hold hearings to examine the 2023 Farm Bill, focusing on commodity programs, crop insurance, and credit, 9:30 a.m., SR-328A.

*Committee on Appropriations*: February 9, Subcommittee on Defense, to hold hearings to examine the People’s Republic of China’s high altitude surveillance efforts against the United States, 10:15 a.m., SD-192.

*Committee on Armed Services*: February 9, business meeting to consider committee rules, an original resolution authorizing expenditures by the committee for the 118th Congress, and the nominations of Radha Iyengar Plumb, of New York, to be a Deputy Under Secretary, and Laura Taylor-Kale, of California, to be an Assistant Secretary, both of the Department of Defense, 11 a.m., SVC-208/209.

*Committee on Banking, Housing, and Urban Affairs*: February 9, organizational business meeting to consider committee rules, an original resolution authorizing expenditures by the committee for the 118th Congress, and subcommittee assignments; to be immediately followed by a hearing to examine the state of housing in 2023, 10 a.m., SD-538.

*Committee on Commerce, Science, and Transportation*: February 9, organizational business meeting to consider committee rules, an original resolution authorizing expenditures by the committee for the 118th Congress, and subcommittee assignments; to be immediately followed by a hearing to examine strengthening airline operations and consumer protections, 10 a.m., SR-253.

*Committee on Energy and Natural Resources*: February 9, organizational business meeting to consider committee rules and an original resolution authorizing expenditures by the committee for the 118th Congress; to be immediately followed by a hearing to examine the state of the U.S. Territories, 10 a.m., SD-366.

*Committee on Foreign Relations*: February 9, to hold hearings to examine U.S.-China policy in the era of strategic competition, 10:30 a.m., SD-419.

*Committee on Health, Education, Labor, and Pensions*: February 9, organizational business meeting to consider committee rules, an original resolution authorizing expenditures by the committee for the 118th Congress, and other pending calendar business, 10 a.m., SD-430.

*Committee on Homeland Security and Governmental Affairs*: February 9, organizational business meeting to consider committee rules and an original resolution authorizing expenditures by the committee for the 118th Congress, 11 a.m., SD-342.

## CONGRESSIONAL PROGRAM AHEAD

Week of February 8 through February 10, 2023

### Senate Chamber

On *Thursday*, Senate will resume consideration of the nomination of DeAndrea Gist Benjamin, of South Carolina, to be United States Circuit Judge for the Fourth Circuit, post-cloture, and vote on confirmation thereon at 11 a.m.

*Committee on Indian Affairs:* February 9, organizational business meeting to consider the selection of Chairman and Vice Chairman, committee rules, and an original resolution authorizing expenditures by the committee for the 118th Congress, 11 a.m., SD-628.

*Committee on the Judiciary:* February 9, business meeting to consider committee rules, an original resolution authorizing expenditures by the committee for the 118th Congress, S. 79, to amend title 35, United States Code, to establish an interagency task force between the United States Patent and Trademark Office and the Food and Drug Administration for purposes of sharing information and providing technical assistance with respect to patents, S. 113, to require the Federal Trade Commission to study the role of intermediaries in the pharmaceutical supply chain and provide Congress with appropriate policy recommendations, S. 142, to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, and to prohibit biological product manufacturers from compensating biosimilar and interchangeable companies to delay the entry of biosimilar biological products and interchangeable biological products, S. 148, to enable to Federal Trade Commission to deter filing of sham citizen petitions to cover an attempt to interfere with approval of a competing generic drug or biosimilar, to foster competition, and facilitate the efficient review of petitions filed in good faith to raise legitimate public health concerns, S. 150, to amend the Federal Trade Commission Act to prohibit product hopping, and the nominations of Nancy G. Abudu, of Georgia, to be United States Circuit Judge for the Eleventh Circuit, Rachel Bloomekatz, of Ohio, to be United States Circuit Judge for the Sixth Circuit, Anthony Devos Johnstone, of Montana, to be United States Circuit Judge for the Ninth Circuit, Julie Rikelman, of Massachusetts, to be United States Circuit Judge for the First Circuit, Robert Stewart Ballou, to be United States District Judge for the Western District of Virginia, Nusrat Jahan Choudhury, Natasha C. Merle, and Ramon Ernesto Reyes, Jr., each to be United States District Judge for the Eastern District of New York, Jessica G. L. Clarke, Dale E. Ho, and Arun Subramanian, each to be a United States District Judge for the Southern District of New York, Todd E. Edelman, to be United States District Judge for the District of Columbia, Kymberly Kathryn Evanson, to be United States District Judge for the Western District of Washington, Gordon P. Gallagher, to be United States District Judge for the District of Colorado, Jonathan James Canada Grey, to be

United States District Judge for the Eastern District of Michigan, Myong J. Joun, and Julia E. Kobick, both to be a United States District Judge for the District of Massachusetts, Kenly Kiya Kato, and Hernan D. Vera, both to be a United States District Judge for the Central District of California, Colleen R. Lawless, to be United States District Judge for the Central District of Illinois, Rita F. Lin, and P. Casey Pitts, both to be a United States District Judge for the Northern District of California, Andrew G. Schopler, and James Edward Simmons, Jr., both to be a United States District Judge for the Southern District of California, and Rosemarie Hidalgo, of the District of Columbia, to be Director of the Violence Against Women Office, Amy Lefkowitz Solomon, of the District of Columbia, to be an Assistant Attorney General, Kate E. Brubacher, to be United States Attorney for the District of Kansas, Ismail J. Ramsey, to be United States Attorney for the Northern District of California, and Jill E. Steinberg, to be United States Attorney for the Southern District of Georgia, all of the Department of Justice, 9 a.m., SH-216.

*Select Committee on Intelligence:* February 9, closed business meeting to consider pending intelligence matters, 11:30 a.m., S-216, Capitol.

### House Committees

*Committee on Armed Services,* February 9, Subcommittee on Cyber, Information Technologies, and Innovation, hearing entitled “The Future of War: Is the Pentagon Prepared to Deter and Defeat America’s Adversaries?”, 8:30 a.m., 2118 Rayburn.

*Committee on the Budget,* February 9, Full Committee, organizational meeting, 9:30 a.m., 210 Cannon.

*Committee on Energy and Commerce,* February 9, Full Committee, business meeting on the Committee Authorization and Oversight Plan for the 118th Congress, 9 a.m., 2123 Rayburn.

*Committee on House Administration,* February 9, Full Committee, hearing entitled “The Looking Ahead Series: The Architect of the Capitol’s Strategic Plan for the 118th Congress”, 9 a.m., 1310 Longworth.

*Committee on the Judiciary,* February 9, Select Subcommittee on the Weaponization of the Federal Government, hearing entitled “Hearing on the Weaponization of the Federal Government”, 12 p.m., 2141 Rayburn.

*Committee on Natural Resources,* February 9, Subcommittee on Oversight and Investigations, hearing entitled “Dependence on Foreign Adversaries: America’s Critical Minerals Crisis”, 9 a.m., 1324 Longworth.

*Next Meeting of the SENATE*

10 a.m., Thursday, February 9

## Senate Chamber

**Program for Thursday:** Senate will resume consideration of the nomination of DeAndrea Gist Benjamin, of South Carolina, to be United States Circuit Judge for the Fourth Circuit, post-cloture, and vote on confirmation thereon at 11 a.m.

Following disposition of the nomination of DeAndrea Gist Benjamin, Senate will resume consideration of the nomination of Cindy K. Chung, of Pennsylvania, to be United States Circuit Judge for the Third Circuit, and vote on the motion to invoke cloture thereon at 1:45 p.m.

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Wednesday, February 8

## Senate Chamber

**Program for Wednesday:** Consideration of H.R. 185—To terminate the requirement imposed by the Director of the Centers for Disease Control and Prevention for proof of COVID-19 vaccination for foreign travelers.

## Extensions of Remarks, as inserted in this issue

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